

United States Government

Department of Energy

memorandum

DATE December 2, 2002

REPLY TO
ATTN OF: NE-10

SUBJECT: Guidance for Approval of Requests for Foreign Travel

TO: William J. Arthur, Manager, Albuquerque Operations Office
Marvin E. Gunn, Jr., Manager, Chicago Operations Office
Warren E. Bergholz, Jr., Acting Manager, Idaho Operations Office
Camille C. Yuan-Soo Hoo, Manager, Oakland Operations Office
James A. Turi, Acting Manager, Oak Ridge Operations Office
Keith A. Klein, Manager, Richland Operations Office
Jeffrey M. Allison, Acting Manager, Savannah River Operations Office

The Office of Nuclear Energy, Science and Technology (NE) encourages its program participants to actively engage the international community in technical proceedings that have a direct, tangible benefit to our programs. Appropriate participation may include submission and presentation of technical papers and briefings, attendance at international meetings, and serving on international panels. It is recognized that such engagement of the international community may require foreign travel. However, all such travel must contribute to meeting mission requirements and must be conducted efficiently and in compliance with Departmental requirements.

To ensure that foreign travel proposed by Federal and contractor personnel appropriately supports NE's missions and is consistent with security-related travel restrictions, advance approval by NE is required to attend international forums dealing with NE program subject matters. Approval is also required from NE before Federal and/or contractor personnel make commitments to serve in an active capacity in international forums, such as agreeing to present a paper or chair a session.

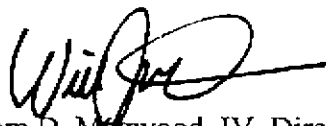
Since the events of September 11, 2001, additional requirements for international travel have been implemented. One of these requirements is the preparation of a country clearance cable for all travelers -- Federal and contractor. **In order to allow sufficient time to prepare the required cable and receive a comeback from the respective embassy granting country clearance, a completed NE Foreign Travel Justification Form (attachment 1) must be provided to Ginny Oland, NE-10, 30 days in advance for travel to nonsensitive countries or 45 days in advance for travel to sensitive countries or if a sensitive topic is going to be discussed.** The attachment provides the revised NE Foreign Travel Justification Form that has been updated to reflect the required information. This new guidance supercedes the previous guidance issued on November 2, 2001.

We have also attached the December 18, 2001, memorandum from Joseph S. Mahaley that provides the State Department's policy regarding country clearance cables as directed by President Bush's May 23, 2001, Letter of Instruction (attachment 2).

Further, to assist in planning, evaluating, and approving foreign travel in support of NE missions, we will now require that each relevant laboratory director provide us with a forecast of anticipated foreign travel for calendar year 2003. The laboratory foreign travel forecast should include the date, destination, purpose, justification, names of all laboratory personnel traveling, estimated cost for each trip, and a cost for all planned NE-related travel through the end of calendar year 2003. This information should be prepared and submitted to me by December 10, 2002, with a copy to Ginny Oland, NE-10.

This document is to be updated with actual travel data and any new travel not originally anticipated and resubmitted by January 1, 2003, April 1, 2003, July 1, 2003, and October 1, 2003. Approval of travel requests not appearing on the laboratory foreign travel forecast will not be granted.

If you have any questions, please contact me or Wade Carroll, Acting Associate Director for Resource Management, at (301) 903-3023.



William D. Magwood, IV, Director
Office of Nuclear Energy, Science
and Technology

2 Attachments

cc: Michael R. Anastasio, Director, Lawrence Livermore National Laboratory
Cheng-kong (C.K.) Chou, Associate Director, Lawrence Livermore National Laboratory
John C. Browne, Director, Los Alamos National Laboratory
William Press, Associate Director, Los Alamos National Laboratory
Hermann A. Grunder, Director, Argonne National Laboratory
John I. Sackett, Associate Director, Argonne National Laboratory
William J. Madia, Director, Oak Ridge National Laboratory
Lee Riedinger, Associate Director, Oak Ridge National Laboratory
Peter Paul, Director, Brookhaven National Laboratory
Ralph James, Associate Director, Brookhaven National Laboratory
Lura Powell, Director, Pacific Northwest National Laboratory
Michael J. Lawrence, Associate Director, Pacific Northwest National Laboratory
C. Paul Robinson, Director, Sandia National Laboratories
Robert J. Eagan, Vice President, Sandia National Laboratories
Bill D. Shipp, Director, Idaho National Engineering and Environmental Laboratory
James Lake, Associate Director, Idaho National Engineering and Environmental Laboratory

FOREIGN TRAVEL JUSTIFICATION FORM

Revised 11/02

OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY

FTMS Trip Number (if available): _____

Traveler: _____ Facility: _____

Other Attendees: _____

Dates of Travel: _____

Detailed Itinerary (for each itinerary stop). Exact dates of arrival and departure in each country are required.

Itinerary 1:

Dates:

Destination:

Purpose:

POC & phone number:

Itinerary 2:

Dates:

Destination:

Purpose:

POC & phone number:

If traveling to a sensitive country or discussing a sensitive topic, an evening POC and phone number is required.

NE Program Office: _____

Funding Source: _____ Estimated Cost: _____



Department of Energy

Washington, DC 20585

December 18, 2001

11/14/01
cc: Magwood
Marcus
Knipp
All AD's
CC

MEMORANDUM FOR DISTRIBUTION

FROM:

J. S. Mahaley
JOSEPH S. MAHALEY, DIRECTOR
OFFICE OF SECURITY

SUBJECT:

**U.S. DEPARTMENT OF STATE POLICY REGARDING COUNTRY
CLEARANCE FOR OFFICIAL FOREIGN TRAVEL BY DOE
CONTRACTORS**

On May 23, 2001, President George W. Bush issued a Letter of Instruction (attachment 1) to Chiefs of Mission at all United States Embassies worldwide. On August 21, 2001, the Executive Secretary, United States Department of State, transmitted the text of the Letter of Instruction to all Department and Agency Executive Secretaries (attachment 2). Paragraphs 9 and 16 of that Letter of Instruction are of special interest and pertain directly to official foreign travel and the associated DOE country clearance requirements. These paragraphs are quoted below for your ready reference:

"9. IN CHARGING YOU TO EXERCISE FULL RESPONSIBILITY FOR ALL EXECUTIVE BRANCH PERSONNEL [IN COUNTRY/AT INTERNATIONAL ORGANIZATION] EXCEPT ELEMENTS AND PERSONNEL UNDER THE COMMAND OF A U.S. AREA MILITARY COMMANDER OR ON THE STAFF OF AN INTERNATIONAL ORGANIZATION, I WISH TO MAKE CLEAR THAT THIS ENCOMPASSES ALL AMERICAN AND FOREIGN NATIONAL PERSONNEL, IN ALL EMPLOYMENT CATEGORIES, WHETHER DIRECT HIRE OR PERSONAL SERVICES CONTRACT, FULL- OR PART-TIME, PERMANENT OR TEMPORARY [REGARDLESS OF WHERE LOCATED IN YOUR COUNTRY OF ASSIGNMENT]. ALL EXECUTIVE BRANCH AGENCIES UNDER YOUR AUTHORITY, AND EVERY ELEMENT OF YOUR MISSION, MUST KEEP YOU FULLY INFORMED AT ALL TIMES OF THEIR CURRENT AND PLANNED ACTIVITIES SO THAT YOU CAN EFFECTIVELY CARRY OUT YOUR RESPONSIBILITY FOR UNITED STATES GOVERNMENT PROGRAMS AND OPERATIONS [IN COUNTRY/AT INTERNATIONAL ORGANIZATION]. YOU HAVE THE RIGHT TO SEE ALL COMMUNICATIONS TO OR FROM MISSION ELEMENTS, HOWEVER TRANSMITTED, EXCEPT THOSE SPECIFICALLY EXEMPTED BY LAW OR EXECUTIVE DECISION."

"16. ALL UNITED STATES GOVERNMENT PERSONNEL (OTHER THAN THOSE ELEMENTS AND PERSONNEL IN COUNTRY UNDER THE COMMAND OF A U.S. AREA MILITARY COMMANDER OR ON THE STAFF OF AN INTERNATIONAL ORGANIZATION) MUST OBTAIN COUNTRY CLEARANCE BEFORE [ENTERING (COUNTRY)/VISITING (INTERNATIONAL ORGANIZATION)] ON OFFICIAL BUSINESS. YOU MAY REFUSE COUNTRY CLEARANCE OR MAY PLACE CONDITIONS OR RESTRICTIONS ON VISITING PERSONNEL AS YOU DETERMINE NECESSARY."

Initial SO staff assessment of the Department of State (DOS) Letter of Instruction, referenced and quoted above, concluded that country clearance would now be required for all DOE federal and contractor personnel traveling to both sensitive and nonsensitive countries. This expanded



country clearance policy requirement was considered by the DOE Foreign Travel Board on September 19, 2001 and at that time, one program office questioned the applicability of the DOS requirement to their contractors traveling to nonsensitive countries, citing concerns about the increased administrative burden associated with processing additional country clearances. Accordingly, SO requested specific policy clarification from DOS regarding the applicability of country clearance requirement for official foreign travel by DOE contractors. On November 28, 2001, DOS issued a written policy clarification (attachment 3) which confirmed the applicability of the requirement to DOE contractors. The DOS letter stated,

"Recognizing the roles played by DOE contractors on behalf of the U.S. Government, it is the opinion of the Department of State that DOE must assure that a country clearance is requested and received for all DOE federal and contractor employees prior to initiating official foreign travel in accordance with Paragraphs 9 and 16 of the Letter of Instruction."

DOE Order 551.1A Official Foreign Travel (attachment 4) currently requires country clearance for all DOE federal personnel on official foreign travel to both sensitive and nonsensitive countries. Currently, DOE policy requires country clearance for contractors on official foreign travel to sensitive countries or when meeting with a senior government official.

Because of this new policy requirement, however, SO revised (attachment 5) and has submitted a page change (attachment 6) to the pertinent DOE Order which will require country clearance for all DOE and contractor official foreign travel, consistent with the DOS policy.

The country clearance process plays a vital role in ensuring the safety and security of all DOE personnel, federal and contractor, engaged in official foreign travel. The country clearance approval serves as an official DOS acknowledgment of the planned DOE presence in the foreign country and DOS acceptance of the safety and security responsibilities associated with official DOE sponsored travelers. Finally, because this new policy for country clearances has been implemented by an express Presidential Letter of Instruction, and understanding the vital role of country clearances for the protection of DOE travelers, it is recommended that the DOS requirement be implemented immediately for all DOE contractors requesting official foreign travel.

Please direct any questions on this matter to Mr. Richard J. Levernier at (301) 903-2178.

Attachments

1. Presidents Letter of Instruction to Chiefs of Mission
2. Chief of Mission Responsibility for Country Clearance
3. Cable Requirements for Contractors
4. DOE O 551.1A, Page 2, Original
5. DOE O 551.1A, Page 2, Redlined
6. DOE O 551.1A, Page 2, Clean copy

cc: SO-1

SO Office Directors

Headquarters Departmental Elements:

Under Secretary for Energy, Science and Environment
Under Secretary for National Nuclear Security Administration
Director, Office of Secretary of Energy Advisory Board, AB-1
Vice President, Bonneville Power Marketing Administration, BPA
Assistant Secretary for Congressional Intergovernmental Affairs, CI-1
Director, Office of Counterintelligence, CN-1
Director, Office of Chief Financial Officer, CR-1
Defense Nuclear Facilities Safety Board, DNFSB
Director, Office of Economic Impact and Diversity, ED-1
Assistant Secretary for Energy Efficiency and Renewable Energy, EE-1
Assistant Secretary for Environment, Safety and Health, EH-1
Administrator, Energy Information Administration, EI-1
Assistant Secretary for Office of Environmental Management, EM-1
Assistant Secretary for Fossil Energy, FE-1
General Counsel, Office of the General Counsel, GC-1
Director, Office of Hearing and Appeals, HG-1
Inspector General, Office of Inspector General, IG-1
Chief, Chief Information Officer, IM-1
Director, Office of Intelligence, IN-1
Director, Office of Fissile Materials Disposition, MD-1
Director, Office of Management, Budget and Evaluation, ME-1
Director, Office of Nuclear Energy, Science and Technology, NE-1
Administrator, National Nuclear Security Administration, NNSA-1
Deputy Administrator for Defense Programs, Office of Defense Programs, NNSA-DP-1
Deputy Administrator Office of Nonproliferation and National Security, NNSA-NN-1
Deputy Administrator Naval Reactors, National Nuclear Security Administration -- Naval Reactors, NNSA-NR-1
Director, Office of Independent Oversight and Performance Assurance, OA-1
Director, Office of Public Affairs, PA-1
Assistant Secretary, Policy and International Affairs, PI-1
Deputy Administrator for Power Marketing Liaison, PML
Director, Office of Civilian Radioactive Waste Management, RW-1
Director, Office of Science, SC-1
Director, Office of Worker and Community Transition, WT-1

1

Presidents Letter of Instruction to Chief of Missions

2

Chief of Mission Responsibility for Country Clearance

3

Cable Requirements for Contractors

4

DOE O 551.A
Contractor Requirements Document
Attachment 1, Page 2 (Original)

5

DOE O 551.A
Contractor Requirements Document
Attachment 1, Page 2 (Redlined)

6

DOE O 551.A
Contractor Requirements Document
Attachment 1, Page 2 (Clean Copy)

7

8

Holmes, Debra

From: Levernier, Richard
Sent: Monday, December 03, 2001 4:03 PM
To: Levernier, Richard
Subject: FW: STATE 90939 Priority PRESIDENT GEORGE W. BUSH'S LETTER OF INSTRUCTION

Subject: STATE 90939 Priority PRESIDENT GEORGE W. BUSH'S
LETTER OF INSTRUCTION

PAGE 01 STATE 090939 232049Z
SOURCE: KODAKB.023097
DRAFTED BY: M/P:CJEDMUNDS:MPCOM/PRES BUSH/ALDAC - PRES' LCI TO COMS --
APPROVED BY: M/P:CSLOWENGART
NSDD 38 ADDRESSEES

-----BFF7ED 232051Z /38

P 232048Z MAY 01
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY
SPECIAL EMBASSY PROGRAM PRIORITY
AMEMBASSY BELGRADE PRIORITY
AMEMBASSY FREETOWN PRIORITY
AMEMBASSY DUSHANBE PRIORITY
USOFFICE PRISTINA PRIORITY

UNCLAS STATE 090939

FOR CHIEFS OF MISSION FROM M/P

E.O. 12958: N/A
TAGS: AODE, AMGT, ABUD, ABLD, ASEC
SUBJECT: PRESIDENT GEORGE W. BUSH'S LETTER OF INSTRUCTION
TO CHIEFS OF MISSION

1. THE NATIONAL SECURITY COUNCIL (NSC) INFORMED THE
DEPARTMENT OF STATE ON MAY 8, 2001 THAT THE PRESIDENT HAS
APPROVED THE LANGUAGE PROVIDED IN PARAGRAPHS THREE THROUGH
21 BELOW FOR HIS LETTER OF INSTRUCTION TO CHIEFS OF

MISSION. THE NSC TRANSMITTED THE TEXT TO OTHER EXECUTIVE
BRANCH AGENCIES ON MAY 9, 2001. 1 FAM 013 IS BEING REVISED
ACCORDINGLY. PLEASE SHARE THE FULL TEXT OF THE NEW LETTER
WITH ALL OTHERS IN YOUR MISSION, ESPECIALLY YOUR COUNTRY

TEAM. THE OFFICE OF MANAGEMENT POLICY AND PLANNING (M/P)
WILL BE PLEASED TO PROVIDE ADDITIONAL COPIES OF THE LETTER
AND BACKGROUND ON COM AUTHORITY TO INTERESTED PARTIES.
POINT OF CONTACT IN M/P IS CHRISTINE EDMUNDS, WHO CAN BE
REACHED AT (202) 647-1684 OR VIA E-MAIL AT
EDMUNDSC@STATE.SGOV.GOV <mailto:EDMUNDSC@STATE.SGOV.GOV> (CLASSIFIED)
OR
EDMUNDSCJ@STATE.GOV <mailto:EDMUNDSCJ@STATE.GOV>
(UNCLASSIFIED).

2. BEGIN TEXT OF THE PRESIDENT'S LETTER OF INSTRUCTION:

3. DEAR MR./MADAM AMBASSADOR:

4. THANK YOU FOR YOUR WILLINGNESS TO SERVE THE AMERICAN
PEOPLE AND THE CAUSE OF FREEDOM AND PEACE AROUND THE WORLD.
I EXTEND MY WARMEST CONGRATULATIONS AND WISH TO SAY HOW
PROUD I AM OF YOU FOR AGREEING TO SERVE AS MY PERSONAL

REPRESENTATIVE TO [COUNTRY, INTERNATIONAL ORGANIZATION].
THIS IS A MOMENT IN HISTORY OF WIDE POSSIBILITY AND
ENORMOUS OPPORTUNITY, AND I HAVE NO DOUBT YOU SHARE MY OWN
SENSE OF EXCITEMENT ABOUT WHAT TOGETHER WE CAN ACHIEVE.

5. IN ADDITION TO CONVEYING MY PERSONAL THANKS AND
CONGRATULATIONS, THIS WILL ALSO SERVE AS A LETTER OF
INSTRUCTION TO YOU AS UNITED STATES CHIEF OF MISSION. IN
THE WIDEST SENSE, YOUR MISSION IS TO PROTECT AMERICA'S
VITAL INTERESTS, PROMOTE THE GROWTH OF FREEDOM AND
DEMOCRATIC INSTITUTIONS, AND HELP SET LOOSE THE CREATIVE
ENERGIES OF MILLIONS OF PEOPLE THROUGH THE SPREAD OF THE
FREE-MARKET SYSTEM. THE UNDERLYING PRINCIPLE HERE IS A
BELIEF THAT THE TALENTS AND DREAMS OF AVERAGE PEOPLE --
THEIR HUMAN HOPES AND LOVES -- SHOULD BE REWARDED BY

FREEDOM AND PROTECTED BY PEACE. YOU HAVE THE OPPORTUNITY
TO ENGAGE IN A DISTINCTLY AMERICAN INTERNATIONALISM:
IDEALISM WITHOUT ILLUSION, CONFIDENCE WITHOUT CONCEIT OR
ARROGANCE, REALISM IN THE SERVICE OF AMERICAN IDEALS.

6. IN CARRYING OUT THESE OBJECTIVES I ASK THAT YOU FULLY
UNDERSTAND THE AUTHORITY EXTENDED TO YOU IN THIS LETTER AND
CLOSELY CONSIDER THE DUTIES LISTED HERE WHICH, THOUGH OF
NECESSITY DESCRIBED SOMETIMES IN TECHNICAL OR LEGAL TERMS,
ARE OF VITAL IMPORTANCE TO THE SUCCESSFUL COMPLETION OF
YOUR MISSION. FURTHERMORE, YOU SHOULD KNOW THAT THESE
INSTRUCTIONS HAVE BEEN SHARED WITH ALL DEPARTMENTS AND
AGENCIES, AND I HAVE DIRECTED THAT THEY GIVE YOU THEIR FULL

COOPERATION. YOU ARE TO CARRY OUT THESE INSTRUCTIONS AND
YOUR MISSION TO THE BEST OF YOUR ABILITY AND CONSISTENT
WITH APPLICABLE LAW.

7. AS CHIEF OF MISSION, YOU HAVE FULL RESPONSIBILITY FOR
THE DIRECTION, COORDINATION, SUPERVISION OF ALL UNITED
STATES GOVERNMENT EXECUTIVE BRANCH EMPLOYEES [IN
COUNTRY/REPRESENTING THE U.S. AT INTERNATIONAL
ORGANIZATION] (EXCEPT FOR ELEMENTS AND PERSONNEL UNDER THE
COMMAND OF A U.S. AREA MILITARY COMMANDER [I.E., A
GEOGRAPHIC COMBATANT COMMANDER] OR EMPLOYEES ON THE STAFF
OF AN INTERNATIONAL ORGANIZATION). THIS ALSO MEANS THAT,
EXCEPT FOR THE PERSONNEL EXEMPTED ABOVE, YOU ARE IN CHARGE
OF ALL UNITED STATES GOVERNMENT EXECUTIVE BRANCH ACTIVITIES
AND OPERATIONS AND THEIR CONDUCT IN ACCORDANCE WITH THE
INTERNATIONAL AFFAIRS STRATEGIC PLAN IN YOUR
[MISSION/INTERNATIONAL ORGANIZATION]. IT IS MY HOPE YOU

WILL TAKE GOOD CARE OF ALL THOSE UNDER YOUR SUPERVISION,
SEEING TO IT THAT EACH INDIVIDUAL HAS EVERY OPPORTUNITY FOR
PROFESSIONAL ADVANCEMENT AND CAREER FULFILLMENT, AS WELL AS
THE BEST POSSIBLE CHANCE TO SERVE OUR COUNTRY AND ITS
MISSION ABROAD.

8. PLEASE REPORT TO ME THROUGH THE SECRETARY OF STATE.
UNDER MY DIRECTION THE SECRETARY OF STATE IS, TO THE
FULLEST EXTENT PROVIDED BY THE LAW, RESPONSIBLE FOR THE
OVERALL COORDINATION AND SUPERVISION OF ALL UNITED STATES
GOVERNMENT ACTIVITIES AND OPERATIONS ABROAD. THE ONLY
AUTHORIZED CHANNEL FOR INSTRUCTION TO YOU IS THROUGH THE
SECRETARY OR FROM ME. TO THIS, THERE ARE ONLY TWO
EXCEPTIONS: (1) IF I PERSONALLY INSTRUCT YOU TO USE A
PRIVATE CHANNEL; OR (2) IF THE SECRETARY INSTRUCTS YOU TO
USE A NON-STATE CHANNEL.

9. IN CHARGING YOU TO EXERCISE FULL RESPONSIBILITY FOR ALL
EXECUTIVE BRANCH PERSONNEL [IN COUNTRY/AT INTERNATIONAL

ORGANIZATION) EXCEPT ELEMENTS AND PERSONNEL UNDER THE COMMAND OF A U.S. AREA MILITARY COMMANDER OR ON THE STAFF OF AN INTERNATIONAL ORGANIZATION, I WISH TO MAKE CLEAR THAT THIS ENCOMPASSES ALL AMERICAN AND FOREIGN NATIONAL PERSONNEL, IN ALL EMPLOYMENT CATEGORIES, WHETHER DIRECT HIRE OR PERSONAL SERVICES CONTRACT, FULL- OR PART-TIME, PERMANENT OR TEMPORARY [REGARDLESS OF WHERE LOCATED IN YOUR COUNTRY OF ASSIGNMENT]. ALL EXECUTIVE BRANCH AGENCIES UNDER YOUR AUTHORITY, AND EVERY ELEMENT OF YOUR MISSION, MUST KEEP YOU FULLY INFORMED AT ALL TIMES OF THEIR CURRENT AND PLANNED ACTIVITIES SO THAT YOU CAN EFFECTIVELY CARRY OUT YOUR RESPONSIBILITY FOR UNITED STATES GOVERNMENT

PROGRAMS AND OPERATIONS [IN COUNTRY/AT INTERNATIONAL ORGANIZATION]. YOU HAVE THE RIGHT TO SEE ALL COMMUNICATIONS TO OR FROM MISSION ELEMENTS, HOWEVER TRANSMITTED, EXCEPT THOSE SPECIFICALLY EXEMPTED BY LAW OR EXECUTIVE DECISION.

10. YOU SHOULD PROVIDE THE NECESSARY SUPPORT, BOTH POLITICAL AND MATERIAL, FOR CONSULAR OPERATIONS AT YOUR MISSION. YOU SHOULD BE DILIGENT IN MINIMIZING THE THREAT OF TERRORISM AND ADVOCATING FOR ITS VICTIMS. YOU SHOULD CONSTRUCTIVELY ADDRESS UNCOMPENSATED AND WRONGFUL EXPROPRIATIONS OF AMERICANS' PROPERTY INCLUDING THEIR INTELLECTUAL PROPERTY RIGHTS.

11. AS COMMANDER IN CHIEF, I RETAIN AUTHORITY OVER THE U.S. ARMED FORCES. ON MY BEHALF, YOU HAVE FULL RESPONSIBILITY FOR THE DIRECTION, COORDINATION AND SUPERVISION OF ALL DEPARTMENT OF DEFENSE PERSONNEL ON OFFICIAL DUTY [IN COUNTRY/AT INTERNATIONAL ORGANIZATION] EXCEPT THOSE ELEMENTS AND PERSONNEL UNDER THE COMMAND OF A U.S. AREA MILITARY COMMANDER. YOU AND THE AREA MILITARY COMMANDER MUST KEEP EACH OTHER CURRENTLY AND FULLY INFORMED AND COOPERATE ON ALL MATTERS OF MUTUAL INTEREST. SHOULD YOU AND AN AREA MILITARY COMMANDER DISAGREE, ANY DIFFERENCES THAT CANNOT BE RESOLVED IN THE FIELD WILL BE REPORTED BY YOU TO THE SECRETARY OF STATE; AREA MILITARY COMMANDERS WILL REPORT, THROUGH THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, TO THE SECRETARY OF DEFENSE.

12. I EXPECT YOU TO TAKE DIRECT AND FULL RESPONSIBILITY

FOR THE SECURITY OF YOUR MISSION. UNLESS AN INTERAGENCY AGREEMENT PROVIDES OTHERWISE, THE SECRETARY OF STATE AND, BY EXTENSION, YOU AS CHIEF OF MISSION MUST PROTECT ALL UNITED STATES GOVERNMENT PERSONNEL ON OFFICIAL DUTY ABROAD (OTHER THAN THOSE ELEMENTS AND PERSONNEL UNDER THE SECURITY PROTECTION OF A U.S. AREA MILITARY COMMANDER OR ON THE STAFF OF AN INTERNATIONAL ORGANIZATION) AND THEIR ACCOMPANYING DEPENDENTS.

13. THIS INCLUDES THEIR PHYSICAL SECURITY WITHIN AND OUTSIDE THE CHANCERY GATE. THE PROPER HANDLING OF SENSITIVE INFORMATION AND MATERIAL IS ALSO IMPERATIVE. YOU AND THE U.S. AREA MILITARY COMMANDER SHOULD DEVELOP APPROPRIATE SECURITY PROCEDURES, ARRANGEMENTS, AND DOCUMENTATION FOR ALL DEPARTMENT OF DEFENSE ELEMENTS AND PERSONNEL, ASSIGNING THEM TO EITHER YOUR AUTHORITY AND SECURITY RESPONSIBILITY OR TO THAT OF THE AREA MILITARY COMMANDER. YOU AND THE U.S. AREA MILITARY COMMANDER SHOULD

ALSO CONSULT AND COORDINATE RESPONSES TO COMMON THREATS. I WILL ALSO EXPECT YOUR SUSTAINED PERSONAL ATTENTION AND ENERGY TO COMBAT THE PROLIFERATION OF HARMFUL TECHNOLOGIES OR WEAPONS OF MASS DESTRUCTION.

14. EVERY EXECUTIVE BRANCH AGENCY UNDER YOUR AUTHORITY MUST OBTAIN YOUR APPROVAL BEFORE CHANGING THE SIZE, COMPOSITION, OR MANDATE OF ITS STAFF REGARDLESS OF THE EMPLOYMENT CATEGORY [OR WHERE LOCATED IN YOUR COUNTRY OF ASSIGNMENT]. I ASK THAT YOU REVIEW PROGRAMS, PERSONNEL, AND FUNDING LEVELS REGULARLY, AND ENSURE THAT ALL AGENCIES ATTACHED TO YOUR MISSION DO LIKEWISE. FUNCTIONS THAT CAN

BE PERFORMED BY PERSONNEL BASED IN THE UNITED STATES OR AT REGIONAL OFFICES OVERSEAS SHOULD NOT BE PERFORMED AT POST. IN YOUR REVIEWS, SHOULD YOU FIND STAFFING TO BE EITHER EXCESSIVE OR INADEQUATE TO THE PERFORMANCE OF PRIORITY MISSION GOALS AND OBJECTIVES, I URGE YOU TO INITIATE STAFFING CHANGES IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

15. IF A DEPARTMENT HEAD DISAGREES WITH YOU ON STAFFING MATTERS, HE OR SHE MAY APPEAL YOUR DECISION TO THE SECRETARY OF STATE, TO WHOM I HAVE DELEGATED MY RESPONSIBILITY FOR RESOLVING SUCH MATTERS. IN THE EVENT THE SECRETARY IS UNABLE TO RESOLVE THE DISPUTE, THE SECRETARY AND THE RESPECTIVE DEPARTMENT HEAD WILL PRESENT THEIR DIFFERING VIEWS TO ME FOR DECISION.

16. ALL UNITED STATES GOVERNMENT PERSONNEL (OTHER THAN THOSE ELEMENTS AND PERSONNEL IN COUNTRY UNDER THE COMMAND OF A U.S. AREA MILITARY COMMANDER OR ON THE STAFF OF AN INTERNATIONAL ORGANIZATION) MUST OBTAIN COUNTRY CLEARANCE BEFORE [ENTERING (COUNTRY)/VISITING (INTERNATIONAL ORGANIZATION)] ON OFFICIAL BUSINESS. YOU MAY REFUSE COUNTRY CLEARANCE OR MAY PLACE CONDITIONS OR RESTRICTIONS ON VISITING PERSONNEL AS YOU DETERMINE NECESSARY.

17. AS CHIEF OF MISSION YOU ARE NOT ONLY MY PERSONAL REPRESENTATIVE [IN COUNTRY/AT INTERNATIONAL ORGANIZATION] BUT THAT OF OUR COUNTRY. I EXPECT YOU TO DISCHARGE THIS TRUST WITH PROFESSIONAL EXCELLENCE, THE HIGHEST STANDARDS OF ETHICAL CONDUCT, AND DIPLOMATIC DISCRETION, AND USE YOUR PERSONAL DIPLOMACY TO PRESS ISSUES OF IMPORTANCE TO AMERICAN CITIZENS WHEN THAT IS USEFUL AND APPROPRIATE. I

URGE YOU TO SEE THAT THERE IS NO DISCRIMINATION OR HARASSMENT OF ANY KIND AT YOUR MISSION. I ASK YOU TO ENSURE THAT YOUR STAFF SIMILARLY ADHERES TO THE SAME STRICT STANDARDS AND MAINTAINS OUR SHARED COMMITMENT TO EQUAL OPPORTUNITY. IN THAT REGARD, I INSTRUCT YOU TO VISIT THE

DEPARTMENT OF STATE'S OFFICE OF THE INSPECTOR GENERAL PRIOR TO YOUR POSTING FOR USEFUL INSTRUCTIONS ON ISSUES RELEVANT TO PROPER OPERATION OF YOUR MISSION.

18. AMERICA REMAINS ENGAGED IN THE WORLD BY HISTORY AND BY CHOICE, SHAPING A BALANCE OF POWER THAT FAVORS FREEDOM. BESIDES UNITED STATES GOVERNMENT ACTIVITIES, THIS MEANS ASSISTANCE TO AMERICAN CITIZENS, INSTITUTIONS, AND BUSINESSES AS THEY PURSUE A MULTITUDE OF CHARITABLE AND COMMERCIAL INTERESTS RANGING FROM THE PROMOTION OF AMERICAN PRODUCTS AND SERVICES EXPORTED OVERSEAS TO PEOPLE-TO-PEOPLE ASSISTANCE IN FOREIGN LANDS. ALL THIS MEANS NOT JUST SOUND MANAGEMENT BUT INSPIRED LEADERSHIP FROM U.S. REPRESENTATIVES ABROAD.

19. I KNOW HOW ANXIOUS YOU ARE TO RENDER SUCH SERVICE TO OUR COUNTRY AND THE PRINCIPLES AND IDEALS FOR WHICH THE UNITED STATES HAS ALWAYS STOOD. FOR ALL OF THE INSTRUCTIONS AND DUTIES OUTLINED ABOVE, I KNOW YOUR OWN SENSE OF PATRIOTISM, SELFLESSNESS, AND DESIRE FOR

EXCELLENCE IS AMERICA'S GREATEST HOPE FOR THE SUCCESS OF
YOUR MISSION.

20. AS YOU BEGIN YOUR WORK, PLEASE BE ASSURED OF MY
WARMEST REGARDS AND THE BEST WISHES OF A GRATEFUL NATION.

21. SINCERELY, (GEORGE W. BUSH)

END TEXT.

MINIMIZE CONSIDERED.
PCWELL

09/13/2001 16:12 3019038717

50211

PAGE 04
0003/01-04

SECURITY AFFAIRS 444 SO-21

09/12/01 15:19 0202 586 5039

2001-020620 Sep 6 A 10:39



UNCLASSIFIED

S/S 200118296
United States Department of State

Washington, D.C. 20520

August 21, 2001

MEMORANDUM FOR ALL DEPARTMENT AND AGENCY
EXECUTIVE SECRETARIES

SUBJECT: Chief of Mission (COM) Responsibility for
Country Clearance

Transmitted herewith is the text of the August 17, 2001 message from the Under Secretary of State for Management which provides guidance to Chiefs of Mission (COM) on their authority to grant or deny country clearance. Please share it widely within your agency or Department.

Paul Harty
Maura Harty
Executive Secretary

Attachments:

1. Text of 01 state 142413, August 17, 2001.
2. Executive Secretaries distribution list.

UNCLASSIFIED

Aug-21-01 11:38 From-

T-825 P.03/04 F-707

UNCLASSIFIED

Brian J Mohr 08/20/2001 08:27:39 AM From DB/Inbox Brian J Mohr

Cable Text
UNCLASSIFIED
TELEGRAM

August 17, 2001

To: ALL DIPLOMATIC AND CONSULAR POSTS - PRIORITY
Origin: WWP
From: SECSTATE WASHDC (STATE 142413 - PRIORITY)
TAGS: INST, ACDE, ASPC
Captions: None
Subject: CHIEF OF MISSION (COM) RESPONSIBILITY FOR COUNTRY
CLEARANCE
Ref: None

1. I want to remind Chiefs of Mission (COMs) of your authority and responsibility to grant or refuse country clearance for travelers to your mission, whether from the US or another post overseas.

2. COM AUTHORITY AND RESPONSIBILITY
=====

-- President Bush's Letter of Instruction specifically stated: QUOTE: You have full responsibility for the direction, coordination, and supervision of all United States Government Executive Branch employees (in country/representing the U.S. at international organizations) except for elements and personnel under the command of a U.S. area military commander (i.e., a geographic combatant commander) or employees on the staff of an international organization).

-- Continue quote: All United States Government personnel (other than those elements and personnel in country under the command of a U.S. area military commander or on the staff of an international organization) must obtain country clearance before (entering (country)/visiting (international organization)) on official business. You may refuse country clearance or may place conditions or restrictions on visiting personnel as you determine necessary. UNQUOTE

-- All USC executive branch agencies are required by law to keep COMs fully and currently informed of all their activities and operations within the foreign country (or mission) of assignment.

-- The Diplomatic Security Act vests the Secretary of State, and by extension COMs, with developing and implementing policies and programs to protect all USC personnel, including temporary duty (TDY) personnel, on official duty abroad (except for those personnel under the command of an area military commander).

-- All of this makes COMs ultimately responsible for all of the USC activities in their country (or mission) of assignment and for the overall conduct of the

UNCLASSIFIED

AUG-21-01 11:38 From-

T-625 P.04/04 F-787

UNCLASSIFIED

bilateral (or multilateral) relationship.

3. COUNTRY CLEARANCE GUIDELINES

COMs are under no obligation to approve visits if exigent circumstances make it inappropriate or to permit the completion of a visit by personnel who have failed to obtain prior country clearance. COMs may terminate any tour as appropriate. In addition:

-- Country clearance requests should provide adequate information regarding the purpose and details of planned activities.

-- Requests should be received in a timely fashion.

-- Requests should be reviewed for security and program oversight implications.

-- Reviewing officials are encouraged to study each request in sufficient detail to ensure that further consultations are not needed.

-- Should more information be needed, reviewing officials are urged to consult staff at post, the requesting agency, or the relevant desk or substantive bureaus in the Department. Reviewing officials should be aware that there is no blanket requirement that country clearance cables originating with an agency other than State receive Department clearance before transmittal to post, although informal consultations may occur. (Procedures for addressing information issues in certain highly classified or sensitive law enforcement or counter-terrorism contexts are set forth in the 1996 State-Justice-Treasury MOU and the 1991 State-FBI MOU, and in periodic cables sent to post about the use of the Roger Channel.)

-- Posts may find it useful to maintain a central log of, or otherwise document actions taken on, country clearance requests, and ensure that other post officers, and Washington bureaus and agencies, are aware of country clearance.

4. The above guidelines are provided to reaffirm COMs full authority and discretion regarding the granting or denial of country clearance. Successful management of the country clearance process ensures that all official visits are essential to the mission needs and that the mission can adequately support and protect any official visitor. Please share this cable with your country team.

Minimize considered
POWELL

Additional Addressees:
SPECIAL EMBASSY PROGRAM

cc:
None

Distribution:

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

November 28, 2001

Marshall O. Combs, Chief Operations Officer
Office of Security
Department of Energy
SO-1, 5A-115
1000 Independence Avenue, S.W.
Washington, DC 20585

Subject: Cable Requirements for Contractors

References:

- President George W. Bush's Letter of Instruction for Chiefs of Mission, dated May 23, 2001
- Maura Harty, Executive Secretary, Department of State, Memorandum for all Department and Agency Executive Secretaries, dated August 21, 2001, Subject: Chief of Mission (COM) Responsibility for Country Clearances.

Dear Mr. Combs:

This is in response to your request for policy clarification regarding the President's Letter of Instruction to Chiefs of Mission regarding their authority and responsibility over all executive branch personnel except specifically identified military commands and international organization staff. The President explicitly included "all American and foreign national personnel, in all employment categories, whether direct hire or personal services contract, full or part time, permanent or temporary..." (paragraph 9) as being covered by the requirements of the Letter. Further, in paragraph 10, the President directed that "All United States Government personnel must obtain country clearance before [entering (country/visiting (international organization))] on official business. You may refuse country clearance or may place conditions or restrictions on visiting personnel as you determine necessary."

I have reviewed the circumstances of the Department of Energy (DOE) which employs approximately 100,000 contractors of its 130,000 staff located at DOE sponsored National Laboratories and major U.S. corporations to accomplish a spectrum of mission requirements from nuclear weapons' research, design and production to fundamental and applied science. I understand that DOE sponsors an estimated 10,000 official foreign travel trips annually, with approximately 60%

performed by contractors traveling to nonsensitive countries and that the DOE contractors are either conducting business on behalf of DOE and the U.S. Government or representing U. S. program interests in international collaborations. And I recognize that many of these contractors are the U.S. government's experts in their field and enter into discussions, which could have foreign policy implications.

Recognizing the roles played by the DOE contractors on behalf of the U.S. Government, it is the opinion of the Department of State that DOE must assure that a country clearance is requested and received for all DOE federal and contractor employees prior to initiating foreign travel in accordance with paragraphs 9 and 16 of the Letter of Instruction.

If you have any questions, please feel free to contact me at (202) 647-2227.

Sincerely,



Paula J Barton
Attorney-Adviser International

Cc: Richard Lovernier, Program Manager

DOE O 551.1A
8-25-00

Attachment 1
Page 1

CONTRACTOR REQUIREMENTS DOCUMENT

DOE O 551.1A, OFFICIAL FOREIGN TRAVEL

All contractor personnel employed by entities under contract or subcontract to the Department of Energy (DOE) or National Nuclear Security Administration (NNSA) must comply with the requirements of this Contractor Requirements Document, Government regulations concerning contractor travel, procedures established by the Office of the Chief Financial Officer, and guidance provided by the responsible Program Secretarial Officer or Deputy Administrator, NNSA.

Disclosure outside of DOE, including NNSA, of any information contained in the system, except for the purpose of obtaining country clearance, is prohibited unless approved by the Office of the Secretary.

1. REQUIREMENTS.

- a. In preparing for or performing official foreign travel, contractors must comply with the following requirements.
 - (1) Review, approve, and oversee all official foreign travel under their purview and establish appropriate internal controls to ensure accountability within their organizations. Ensure that travel complies with regulations and DOE directives; that it is consistent with U.S. foreign and nonproliferation policy, international energy policy and agreements, and national security policy objectives; and that it considers DOE, including NNSA, missions and resources. Final approval for official foreign travel is with the responsible Program Secretarial Officer or Deputy Administrator, NNSA funding the travel or, if there is no DOE funding, the official having programmatic responsibilities associated with the requested travel.
 - (2) Ensure all official foreign travel complies with the following.
 - (a) Travel is consistent with programmatic requirements for travel, security issues, effective use of resources, requirements governing conference management, adequacy of funding, and leave taken in conjunction with travel.
 - (b) Travel to countries on the Sensitive Countries List or involving subjects on the Sensitive Subjects List is conducted in compliance with U.S. national security, intelligence, counterintelligence, and nonproliferation policies, including U.S. export control regulations.

Attachment 1
Page 2

DOE O 551.1A Chg 1
XX-XX-01

- (c) All requests for official foreign travel to countries on the list of state sponsors of terrorism, maintained by the Department of State, are reviewed according to procedures established by the Office of Defense Nuclear Nonproliferation.
- (3) When appropriate, coordinate the approval of official foreign travel with officials responsible for intelligence, counterintelligence, security, export control, and technology concerns to ensure compliance with the Export Control Guidelines established by the Office of Defense Nuclear Nonproliferation.
- (4) Comply with the following country clearance requirements.
 - (a) Country clearances are required for all contractor official foreign travel. ~~when contractors are traveling to a sensitive country; country clearances are also required when contractors are traveling to a non-sensitive country and either are meeting with senior Government officials or require assistance of the U.S. Embassy, Mission, or Consulate.~~
 - (b) For the purpose of country clearance requests, contractors must provide sufficient information for the responsible Program Secretarial Officer or Deputy Administrator, NNSA to prepare and provide notification to the U.S. Embassy in the country to be visited.
 - (c) ~~For travel requiring country clearance, c~~Contractors must receive country clearance from the U.S. Embassy in the country to be visited prior to the start of the travel.
- (5) For all contractors on official foreign travel, ensure appropriate pre-briefings and debriefings are provided 30 days prior to the start of and upon return from travel by, and at the discretion of the following:
 - (a) Counterintelligence officers when travel is to a sensitive country, regardless of whether the traveler holds a security clearance. This requirement does not apply to contractors without clearances at the seven facilities listed below. This exception was made because these facilities do not perform classified work and are exempt from certain provisions of DOE N 142.1, UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS. (Note: This requirement does apply to contractors at these sites who possess clearances.)

Vertical line denotes change.

Attachment 1

Page 2a

DOE O 551.1A Chg 1

XX-XX-01

- 1 Ames Laboratory,
- 2 Fermi National Accelerator Facility,
- 3 Lawrence Berkeley National Laboratory,
- 4 National Renewable Energy Laboratory,
- 5 Princeton Plasma Physics Laboratory,
- 6 Stanford Linear Accelerator Facility, and
- 7 Thomas Jefferson National Accelerator Facility.

Vertical line denotes change.

Attachment 1
Page 2

DOE O 551.1A Chg 1
XX-XX-01

- (c) All requests for official foreign travel to countries on the list of state sponsors of terrorism, maintained by the Department of State, are reviewed according to procedures established by the Office of Defense Nuclear Nonproliferation.
- (3) When appropriate, coordinate the approval of official foreign travel with officials responsible for intelligence, counterintelligence, security, export control, and technology concerns to ensure compliance with the Export Control Guidelines established by the Office of Defense Nuclear Nonproliferation.
- (4) Comply with the following country clearance requirements.
 - (a) Country clearances are required for all contractor official foreign travel.
 - (b) For the purpose of country clearance requests, contractors must provide sufficient information for the responsible Program Secretarial Officer or Deputy Administrator, NNSA to prepare and provide notification to the U.S. Embassy in the country to be visited.
 - (c) Contractors must receive country clearance from the U.S. Embassy in the country to be visited prior to the start of the travel.
- (5) For all contractors on official foreign travel, ensure appropriate pre-briefings and debriefings are provided 30 days prior to the start of and upon return from travel by, and at the discretion of the following:
 - (a) Counterintelligence officers when travel is to a sensitive country, regardless of whether the traveler holds a security clearance. This requirement does not apply to contractors without clearances at the seven facilities listed below. This exception was made because these facilities do not perform classified work and are exempt from certain provisions of DOE N 142.1, UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS. (Note: This requirement does apply to contractors at these sites who possess clearances.)
 - 1 Ames Laboratory,
 - 2 Fermi National Accelerator Facility,
 - 3 Lawrence Berkeley National Laboratory,
 - 4 National Renewable Energy Laboratory,
 - 5 Princeton Plasma Physics Laboratory,
 - 6 Stanford Linear Accelerator Facility, and
 - 7 Thomas Jefferson National Accelerator Facility.

Vertical line denotes change.